

MAJOR HAINS, IN TEARS, TELLS OF CAPTAIN'S BITTER ACCUSATIONS AGAINST THE MAN HE SHOT TO DEATH

Widow of Slain Man in Court Hears Witnesses Tell of Alleged Actions of Husband and Wife of Slayer.

(Continued From First Page.)

of more value to the State than the defense.

"Remember now that I didn't tell him until Sunday morning at 2 o'clock, two days after he got home. I was wrong yesterday."

"And yet you said three distinct times yesterday that you told him on Friday night," broke in the Justice sternly.

"I was wrong 'bout dat," said the big black woman. "I didn't tell him nothin' until after she done made her confession."

"Stop that," shouted the Justice, thoroughly aroused. "I've repeatedly cautioned you against using that word. It looks to me as if she has a purpose in repeatedly violating my orders."

"I except to the language of the Court," said Mr. McIntyre heatedly. After he had quieted down a bit he went ahead with the woman, causing her to say that looking through a crack in her door at 2 o'clock in the morning of May 31 she had seen and heard Claudia Hains's confession of her love for Annie.

"I heard him asking her about her trip up in the mountains Easter time," said Minnie, glibly, as if she were repeating a well-known lesson, "and after a while she lay down and said, 'I ain't been in no mountains. I went to a hotel over in New York.'"

Judge Stops Her Acting.

"What did Capt. Hains do when he heard this?" suggested McIntyre. "He put his hands up to his head just this way," said the negroess, "and he cry out, 'Oh, my God, why did you do it? Oh, my God, I can't believe. Oh my babies. Oh, my wife.'"

The black cook was rapidly working herself into the state of semi-hysteria so common to women of pure African blood, which had marked her tale last night, when His Honor stopped a performance in which the crowded court was beginning to take a deep interest.

"Behave yourself," he commanded, breaking in on the negroess's theatrical description of her master's misery. "Don't you try to act a part here again."

"I decline to go on with the examination in view of Your Honor's remarks before the jury," snapped McIntyre, flinging himself into his chair with a violent clump.

"Suff yourself," said the Judge crisply, "but it will go upon the record that last night this woman left the witness chair and danced around the box, and I do not propose to have her acting here again to-day. Go ahead, Mr. Darrin, with the cross-examination."

The District Attorney began by causing the negroess to say that she was now employed by the father of the prisoner, Gen. Peter Hains, U. S. A., retired, at Washington, and that she had told her story to pretty fifty times, not only to the last jury, but to the Hains brothers, but to all the members of the Hains family. She had seemingly talked about what she knew at every chance.

State to Call Hains Witness.

"Did Capt. Hains act when you told your story to him just as you told last night?" asked Mr. Darrin.

"Yes, sir, yes, sir. The man was certainly crazy. His eyes popped out and—" "That's all," said Darrin, and the woman left the stand thoroughly discredited because of her action in so abruptly changing the date of her talk with Peter Hains to better suit the needs of the defense.

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The second witness of the day, also a negroess, was a strong contrast to Minnie, the cook. She was Emma, the nurse. Emma Lavelle, she said her name was, as she looked up at the witness stand, a stout, good-looking, light yellow woman, evidently of Northern birth and bearing, and well dressed.

"Over at Fort Hamilton I knowed Mr. Annie well," she said. "But I never knowed Capt. Hains until after his home was broke up, while working for his wife on May 5, and he did not come for two or three weeks after that."

Limits Insanity Testimony.

"The first time I saw the Captain was some time in June. I met Capt. Hains and Thornton Hains by the Fifth avenue 12 in Brooklyn. I went up and shook hands with Mr. Thornton and said how sorry I was all this trouble come up. Then Capt. Hains asked me if I had an opinion about his wife's trip to the mountains and I said—"

Here there was an interruption, and before the examination got under way again the Justice, reiterating a previous ruling, had said he would accept no inferences or opinions of lay witnesses, even under the guise of evidence to show insanity. Then the woman went on:

"I told Capt. Hains that while he was away his wife used to go out two or three nights a week, and that I had to wait two months for my pay once, and that the children didn't have enough to eat, and that if one of them died we wouldn't know where to find their mother, and I told him I seen Mr. Annie kiss

her, and that I used to go to the telephone and call him up and say to him 'Miss Claudia ain't got nothing on the coast for to-day,' and he'd say 'I'll call her up later,' and then later on he'd come out and see her. And I told him that when she came back from that trip when she said she'd been up in the mountains she was weak and white and sick, and she looked like she didn't have no blood in her body. That's what I told him."

"How did he behave when you told him this?" "He was silent and his face twisted and his mouth hung open. He slobbered at the mouth and his eyes hung way out on his cheeks. It looked like the skin of his face would split, it was drawn so tight. He threw his head back and pulled his hair."

Told of Their Quarrel.

"What did Thornton Hains do?" "He kept motioning me not to tell Captain Peter any more. He grabbed Peter by the shoulder and says, 'Come on, Peter, we just got time to go home for lunch.' And then he led him away and I didn't see him no more for awhile. After that I went to work for Mr. Thornton, and one day Capt. Hains came and asked me if I knew any more about his wife, and then I told him about the quarrel they'd had at that time."

"What quarrel?" "Well, the yellow girl needed no prompting. Her story was fairly bubbling out of her."

"Well, sir," she said, smacking her lips with unction, "one time Mr. Annie was down to supper at the house. There was a Mr. Hains there with him, and Mr. Annie said at the table that he was going to take his wife to the theatre that night. Miss Claudia got mad right away. She lit a cigarette and leaned back and puffed on it and said, 'What do you mean by having a date with your wife while you can be with me?'"

"Why, Claudia, I'm with you all the time, and I promised her a long while ago that I'd take her to the theatre to-night. I've got to go with my wife just this once." She looked at him and said, "To hell with your wife! Just like that, yes, sir, that's what she said. She says she'll tell your wife, ain't it more to you than your wife?" He ran his fingers through his hair like he was worried and says, 'Claudia, I've got five thousand miles for you, but I've got to go with my wife to-night.' Then she got so mad she wouldn't speak, and him and her got up after a little while and left."

"She jumped up and followed 'em to the door, still begging Mr. Annie to stay. But he went, and so that's all what I told Capt. Hains about the quarrel."

This ended the direct testimony of Emma, the nurse. She had narrated her story of with a parrot-like gaiety that exceeded even the best efforts of Minnie, the cook.

Darrin Scores a Bull's Eye.

Mr. Darrin scored a bull's eye at the outset of the cross-examination by showing that the continuously since early summer this witness had been in the employ of either Thornton Hains or of Peter Hains. She had worked for the household, along with Minnie.

It was an interesting fact that up to this point, the fourth day of taking of testimony for the defense, every witness who had appeared—except one—had been in one way or another, the list to date includes two negro servants, both emigrants from the West Indies, and a white woman, who had been in the employ of the Hains family for many years.

How the Captain Acted.

"And he frothed at the mouth, you say?" "The froth fell on his clothes?" "Yes, he wiped it off with a handkerchief."

"You recall anything else that he did?" "Yes, he pulled his hair, and the witness, demonstrating upon her hair. The woman added that she began to get scared at the demonstration of the captain.

"His clothes were saturated with the froth from his mouth?" "No, not saturated," qualified the woman, "but his coat was wet with it."

And when Thornton Hains took him away? "Yes, he grabbed the captain's arm and took him away."

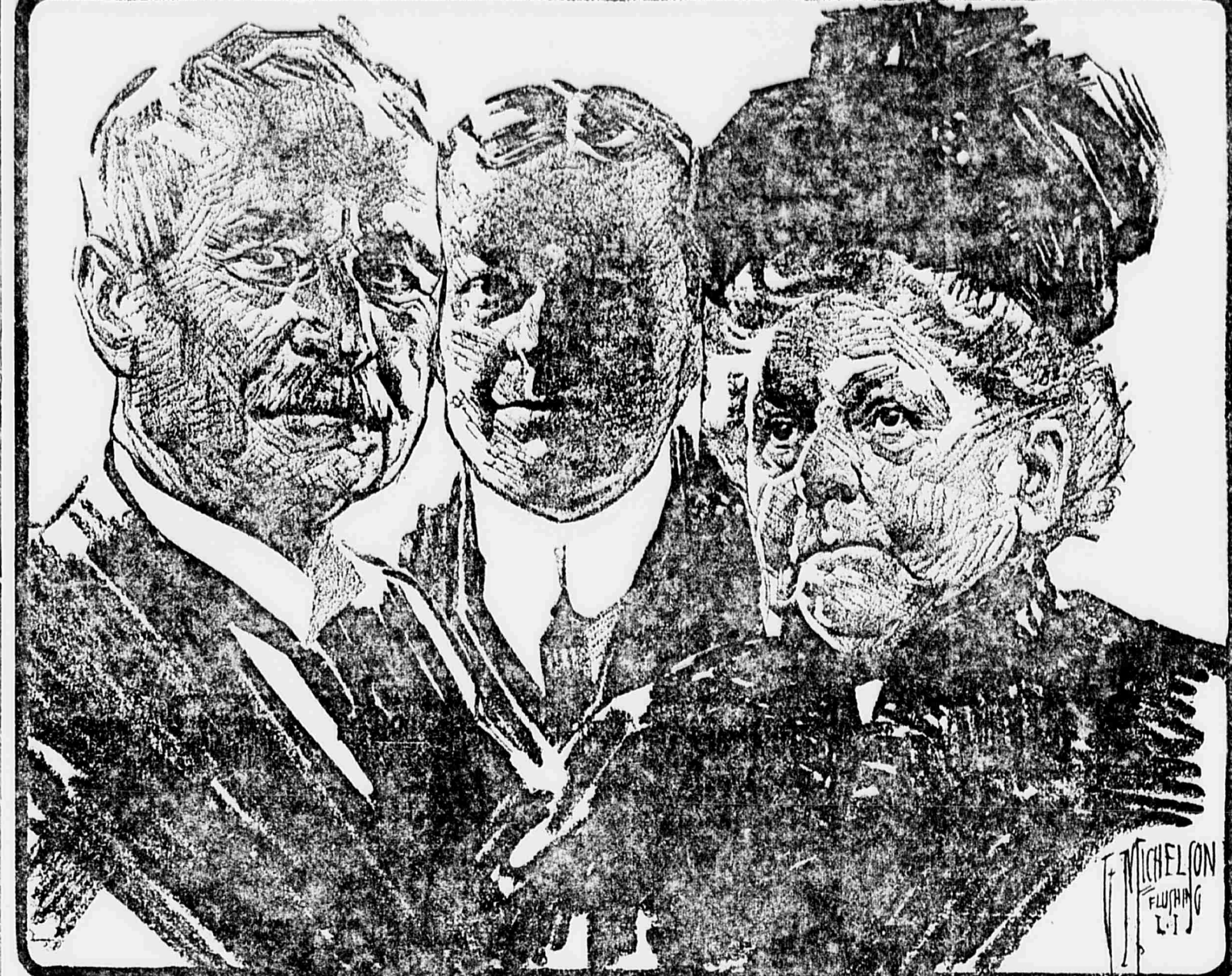
And when you were afraid to go to work for Thornton after seeing the captain so wild? "Yes, I was afraid, but I had promised Mr. Thornton to do his wife's indorsements."

How long after you told the Captain was it that you went to work for Thornton Hains? "About a week."

The witness said that after she went to work for Thornton Hains the Captain had a habit of snoring almost like an animal whenever she told him of his wife's indiscretions.

Major Hains's Testimony.

The witness was then excused. Major John P. Hains, a brother of the defendant, was next called. He was small, dapper and made a most favorable appearance.



GEN. P. C. HAINS, SR.

MAJ. HAINS.

MRS. PETER C. HAINS, JR.

the rank of major by service in the regular army.

You were in the Spanish-American war, were you not, Mr. Hains?

Before the answer could be made Mr. Darrin's objection was sustained. "How did it go with you, Mr. Hains?" "Nearly thirty-seven."

Where you present at the time of his marriage, Mr. Hains?

"Whom did he marry?" "A girl by the name of Claudia Libby, to the best of my knowledge, said the major, with peculiar emphasis.

After Mr. Hains, did you see your brother, Mr. Hains, did you see him June at the Grand Central depot. He came with Thornton to meet me."

"In July of the preceding year, while I was on my way to Fort Rodney, he met me at the Baltimore Hotel, leaving in an automobile with his wife. He looked happy and well. We went down to Fort Hamilton in his car and stayed with him a day, and he was in strong and vigorous health and perfectly rational."

Mr. Darrin objected to the latter part of the witness's answer and he was again sustained.

Brother Breaks Down.

"In June, 1908, when you met him, did you converse with him?" "We went to the hotel where he was staying, and if you could call that, and then went to Thornton's house, where we talked again."

"At the Hotel Astor what was the talk?" "About his troubles."

"What did he say to you about what the Captain said to you?" "He acted very peculiarly."

He told you that the purpose of showing nothing but the mental condition of Peter Hains, and must be accepted as such."

How did the Captain greet you at the station?" "He greeted me very cordially, and he shook my hands very violently and looked into my eyes without saying anything."

His face was distorted and drawn and his eyes twitched. He did not speak to me."

"When you went to the Hotel Astor what happened?" asked Mr. McIntyre.

He sat at a table in the cafe, Thornton, Peter and I. We talked, Thornton and I, and Peter, while silent for the most part, would suddenly break into the conversation and disagree with us."

He was pulling his hair, bending his head forward, and his eyes staring and his mouth twitching. He talked very little to me, as I refrained from discussing his troubles at the hotel. We mainly talked about lawyers."

"We had dinner there, and about 9 o'clock went to Thornton's house at Bay Ridge. The Captain appeared worried and worn out. I did not question him, but he seemed to be in a talk with him. His appearance was still haggard and worn and nervous."

He continued and his eyes stared from his head. He volunteered to say very little. He tried to tell me to narrate me all his troubles. He started to tell me, but he didn't go very far before he had to stop. He handed me his hand, rubbing his brow, looked at me and said, 'I can't think—I can't think to me.'"

Telling this, Major Hains's voice grew thick and husky with emotion, and he broke down and wept for some time. He was more composed he said:

Weeps as He Testifies.

"Peter got up with his hands in the air, paced back and forth, and for a while remained quiet. This same thing happened several times. He would get up and tell me what had occurred between him and his wife. I remember one time that night, his hand on his head, rubbing his brow, looked at me and said, 'I can't think—I can't think to me.'"

At this unhappy recollection Major Hains broke down altogether, and with the tears running down his cheeks he told me in a voice which he sought vainly to keep steady. Often he had to stop altogether."

While saying this his manner was very wild and excited. He described his arms waving and his face distorted. He said that he did not know what he was saying, but that he was doing everything in the world for that woman and this is what she has brought me. He said that a good woman, Emma, had dragged her down."

would wipe his eyes furtively. Justice Crane, evidently feeling a sympathy for the position of the soldierly, grief-stricken man, paused for a moment, sympathetic in his attitude. The Major's emotion was helping the defense—at least in so far as Peter Hains might be concerned—very much more than the more sensational stories that had been told by certain seemingly well-dressed witnesses.

"How did he look at this time?" "He looked like a maniac."

McIntyre Sticks.

This answer, which struck out as improper, so the witness put it in another way, saying this: "While talking to me he bent forward with his neck craned, his hands clinched, his eyes staring and his limbs trembling."

Suddenly Mr. McIntyre asked for a recess. It developed that he had been feeling badly all morning and had now grown quite sick and very dizzy. At his request the court took a recess half an hour earlier than usual. Dr. Austin Flint, the prosecution's alienist, presided for him.

After he left court, McIntyre, looking worn and sick, said he would probably ask for an adjournment until tomorrow.

I fear I am on the verge of a breakdown," he said to an Evening World reporter. "I've been working night and day, and I'm afraid the strain has been too much for me. Before taking any action this morning everything turned black before me and my head spun like a top. I could not see."

As soon as the Justice entered for the afternoon session Mr. Shay told him that Mr. McIntyre was still feeling very badly and he therefore asked for the adjournment. Justice Crane conferred with Drs. Flint and Foster, who told him they didn't think the lawyer was in proper condition to go ahead, and court adjourned until tomorrow morning at 10 o'clock.

QUEER MYSTERY IN MRS. NATHAN'S SUIT

Court Records Speak of Marriage, but Woman Speaking as Mother Denies It.

Justice Blackmar, in the Supreme Court, Brooklyn, to-day, granted the application made by Mrs. Lydia Suydam, of No. 48 Downing street, and appointed her guardian ad litem of her daughter, Mrs. Grace D. Suydam, in the papers it is stated that the daughter is fourteen years old, that on December she went to Jersey City and was married by Justice of the Peace Jacob H. Fisher to Robert C. Nathan, just a few years older, and that both she and her mother wish to have the marriage annulled.

An Evening World reporter called at No. 48 Downing street, a handsome residence, and saw a woman who said she was Mrs. Lydia Suydam. She denied having a daughter named Grace, denied knowledge of any young woman of that name, said she knew nothing of the application before Just Blackmar, and that her only daughter had been married several years.

The lawyers named in the application are Washington & Schick, of No. 31 West Montague street, Brooklyn. Mr. Schick said he was not at liberty to discuss the case.

THE BARRIER.

"The Barrier," Rex Beach's greatest romance of love and adventure in the Northwest, will begin serial publication in The Evening World Monday, Jan. 1. Read it. The most exciting love story of the year.

FIRE SCARE IN ALBANY HOTEL.

ALBANY, Dec. 29.—A small fire in the kitchen of Keeler's Hotel at 3 A. M. to-day caused considerable excitement among the guests, but no one was injured and the blaze was extinguished before serious damage was done.

CROKER GETS JOB FOR HIS FRIEND MICHAEL T. DALY

Has Him Made Chief Clerk of Board of Elections at \$3,000 a Year.

The hand of Richard Croker has not lost its political cunning. The former leader of Tammany who, time and time again, has protested that he is out of politics, at least is in close touch with local political conditions. Of these he took advantage to-day to obtain a job for one of his close political friends and intimates.

Michael T. Daly, who ruled in the old Croker days, was appointed chief clerk to the Board of Elections at a salary of \$3,000 a year. Mr. Daly takes the place made vacant by the death of Aaron C. Allen.

Mr. Daly was former Commissioner of Public Works and private secretary to Richard Croker when the latter was "Boss." Latterly he has been in need of a job, his prestige and pull having fallen when Mr. Croker relinquished the reins of leadership.

Mr. Croker sought a job for his old chum through leader Charles F. Murphy, who placed him in the vacant place in the Board of Elections as a suitable berth, but Mr. Murphy was not in good grace with the Board of Elections. Then Mr. Croker turned to Mayor McClellan, and then the Mayor's friend in the Board, President John F. Boelting, got busy. He submitted the name of Mr. Daly to his colleagues and it became known that Mr. Daly was to be the chief clerk of the Board.

Preston L. Daly was named and Mr. Croker's first move on the local political chessboard in years was made.

GIRL KILLS J. E. STONE AND SHOOTS HERSELF

College Graduate Slain After Quarrel With Woman in North Carolina.

WASHINGTON, N. C., Dec. 29.—John Emerson Stone, aged twenty-two, highly connected in Boston and New York, a graduate of Holy Cross College, Worcester, Mass., was shot and killed here early today by May Woodard, who then shot herself and may die.

The tragedy followed Stone's call on the woman to tell her he was leaving her forever and intended to go home.

Begin THE NEW YEAR With TOLSTOI.

His "Daily Prayer Book" or "Cycle of Readings," covering all literature, will begin in The Evening World Monday, Jan. 1 and continue there daily.

BOY CLIMBS TO SAFETY THROUGH BURNING HOUSE

Six-Year-Old Lad, Left in Room Asleep, Saves Himself by Bold Feat.

A fire that started in a dry goods store on the ground floor at Nos. 177 and 179 Thompson street early to-day imperiled the lives of twenty-eight families. The tenants, startled by smoke, found escape to the street cut off by flames which had eaten through to the stairways before they were awakened. They stumbled about the dark hallways until the scuttles on the roof were opened and then fled by that way.

The store is owned by Vincenzo Molucco, and his wife, Marie, was asleep in their rooms on the second floor, immediately above it, when the fire started. With her were her two children—William, six years old, and a six-week-old baby. Molucco was in New Haven.

The mother was the first to wake in the smoke-filled room, and, seizing her baby, she ran out into the hall screaming. In her hurry she forgot William, and she did not remember him until after she had crossed the roof with the other tenants and was on the street. Then the firemen saw the frenzied mother dash through the crowd and try to get into the burning tenement. She was held back, and then it became known that William was left behind.

By this time the fire had eaten through the ceiling of the store and flames were spouting from the windows of the second floor. Several firemen volunteered to go down through the scuttle and take a chance of getting the boy out alive. The men ran to the roof of No. 178 Thompson street. The roof of No. 177, next door, is at least four feet above that roof, and on the top of this they saw little William, bawling for aid in getting down the four foot drop.

The boy said he had awakened in the dark, smoke-filled room and realized that something unusual was the matter. He cried for his mother, and when he found she had gone he made his way to the roof, where he had often been sent to play.

"It was awful warm in that room," said William between mouthfuls of candy, "so I just climbed to the roof."

The damage done by the fire will be about \$200. How it started is not known.

I. STEIGERWALD PACKING CO.

We Are Looking for Your Sunday Dinner Order. Start the New Year Right. Buy Your Meats Where You Get the Best Quality for the Lowest Price. As a Special for the Holiday We Will Offer

Legs of Young Mutton, per lb.	11c
Prime Rib Roast, per lb.	15c
Sirloin and Porterhouse Steaks, per lb.	16c
Fresh Ham, per lb.	12c
Turkeys, Geese and Ducks Retailed at Wholesale Prices.	

223 FIRST AVE. Between 13th and 14th Sts. TEL. 765 ORCHARD

TWO WOMEN SENT TO PRISON FOR SELLING GIRLS

Another Already There, One Has Forfeited Her Bail, Another Awaits Trial.

Carrie Duncan and Mary Dale, two of the five women arrested in a recent crusade on charges of selling young girls into the "white slavery," were sent to Auburn Prison for hard labor terms by Judge Malone in Part II. of General Sessions to-day.

Carrie Duncan pleaded guilty to abduction and was sentenced to not less than three years and six months and not more than four years and ten months. Mary Dale denied her guilt, was tried and convicted. She was sentenced to not less than five years nor more than seven years and ten months.

Mrs. Francis Taylor, the first of the five women to be convicted, was sent to Auburn for not less than seven years, she was sentenced with a clearing house for "white slaves," whence they were distributed to the other women.

Mrs. Julia Keenan, another in the same traffic, jumped her \$3,000 bail bond and has not been located. Margaret Sheppard, the fifth woman, is awaiting trial.

FERRY PASSENGERS SHAKEN IN CRASH

Boat Washington Banged by Tide Into Slip of Pennsylvania Railroad.

An unusually strong tide in the North River to-day put the Pennsylvania ferryboat Washington out of control for a minute or two, and the bow bumped into the piling of the slip with such force that passengers were shaken like dice in a box, horses were thrown from their feet and there was a general panic.

The Washington was entering the slip at Jersey City after her trip from Cortlandt street and was within a few yards of the piling when the strong current struck her. She jammed into the rack with a crash and her officers and deckhands had all they could do to quiet the 20 passengers in the panic that followed.

One old woman fainted, others screamed and men ran wildly about while horses stamped and reared on the lower deck. The boat, however, entered the slip with no other damage than a broken window in the women's cabin.

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ONE PRICE. We Tailor. Measure Only. L.W. DAY & CO. 110 N. W. COR. MAIDEN LANE & NASSAU ST.

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Legs of Young Mutton, per lb.	11c
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Turkeys, Geese and Ducks Retailed at Wholesale Prices.	

223 FIRST AVE. Between 13th and 14th Sts. TEL. 765 ORCHARD

PREPARING THE NEW YEAR'S DINNER

The Clever Hostess Plans to End the Meal with an Exceptionally Fine Cup of Coffee.

"The first courses of a special dinner do not worry me one-half so much as those which follow later," said an uptown hostess recently.

"I can heighten the anticipation of my guests with a delicious soup and serve a roast and side dishes that leave nothing to be desired, but after that their appetites are not so keen, and it takes something extra fine to excite any appreciative comments."

Every housewife realizes the truth of this, and those who are anxious that their New Year's dinner shall be a complete success will be careful to end the meal with a cup of coffee so uncommonly fine as to "surprise the palates" of people whose tastes have been indulged to the point where nothing less than a distinctively pleasing flavor would be appreciated.

You could choose no better time to try the famous "Hotel Astor Coffee," the delicious fragrance and delicate richness of which has so often attracted the favorable comment of guests at the Hotel Astor.

The coffee sold in one-pound airtight tins, at all good grocers, under the name "Hotel Astor Coffee," is exactly the same blend as is always used at the Hotel Astor, sufficient guarantee that it is the best that can be secured.

Serve "Hotel Astor Coffee" at your New Year's dinner and you will give your guests a treat they will not forget. This famous coffee is never sold in bulk, but always in tins and only under the name "Hotel Astor Coffee." You can buy it at any good grocer's.

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